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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,405	12/21/2000	William E. Webler	1275.24US01	4564

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EXAMINER

GHAFOORIAN, ROZ

ART UNIT	PAPER NUMBER
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3763

DATE MAILED: 08/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/748,405

Applicant(s)

WEBLER, WILLIAM E.

Examiner

Roz Ghafoorian

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>9</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1-16 and 18-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Claim 1 recites the limitation "a patient's" in line 14. There is insufficient antecedent basis for this limitation in the claim.
- b. Claim 4 recites the limitation "the apex of a patient's" in line 2. There is insufficient antecedent basis for this limitation in the claim.
- c. Claim 14 recites the limitation "the right atrium" in line 2. There is insufficient antecedent basis for this limitation in the claim.
- d. Claim 18 recites the limitation "the components" in line 2. There is insufficient antecedent basis for this limitation in the claim.
- e. Claim 19 recites the limitation "a patient's" in line 13, and "a patient's right atrium" in line 16. There is insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S Patent No, 4033331 to Guss et al.

Guss teaches a cardiac catheter and method of using it. It includes an elongated shaft 14, with a proximal and distal sections, first lumen 24, a distal tip which has an opening in fluid communication with the first lumen and which is oriented at an angle 27 with respect to a longitudinal axis of the shaft; as well as, a guide member 26 within the shaft 14, and a stabilizing member 22. This apparatus is capable of being introduced into the patient's venous system and advanced though until the distal extremity of the shaft is disposed and stabilized within the right atrium, where the flexible distal end may enter the coronary vessels (fig. 7).

3. Claims 1-5 and 7-16 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S Patent No.6332881 to Carner et al.

Carner teaches a surgical ablation tool. Carner's apparatus comprises of a elongated shaft 300, with a proximal and distal sections, first lumen 232, a distal tip which has an opening in fluid communication with the first lumen and which is oriented at an angle 340 (J-shaped) with respect to a longitudinal axis of the shaft; as well as, a guide member 234 within the shaft 300, and a stabilizing member 250. Distal shaft section of the apparatus is provided with an electrode 260, with an electrical connector 270 to the proximal portion of the shaft. (Col. 8, lines 20-45). The elongated shaft 300 consists of multiple lumens 232, 234, and 210 (fig 4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4033331 to Guss et al, and further in view of U.S. Patent No. 4969890 to Sugita et al.

As mentioned above Guss teaches a cardiac catheter and method of using it. It includes an elongated shaft 14, with a proximal and distal sections, first lumen 24, a distal tip which has an opening in fluid communication with the first lumen and which is oriented at an angle 27 with respect to a longitudinal axis of the shaft; as well as, a guide member 26 within the shaft 14, and a stabilizing member 22. However, Guss does not teach a guide wire with plurality of indicia on the core to measure axial movement of the shaft. Sugita teaches a catheter comprising of a guide wire 6 with indicia 40 placed on its core to measure the axial movement of the shaft.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have combined these two studies, because in any type of invasive procedure where the care giver has limited means of visualization of the effected area, any type of indicator that allows the physician to gauge the location of the apparatus is an advantage and allows the physician to anticipate the anatomy of the patient without actual visualization of the area.

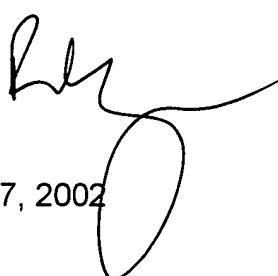
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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roz Ghafoorian whose telephone number is 703-305-2336. The examiner can normally be reached on 8:30am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler can be reached on 703-308-3552. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

RG
August 7, 2002




BRIAN L. CASLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700